

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NEHEMIAH NASH,

Plaintiff,

DECISION AND ORDER

04-CV-6089L

v.

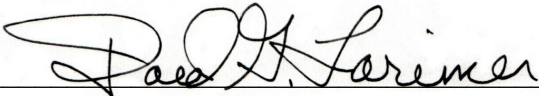
STANLEY SEPITOL, et al.,

Defendant.

This Court's Decision and Order (Dkt. #77) of November 14, 2008 dismissed most of plaintiff's claims. Only one claim remained and at a telephone conference with United States Magistrate Judge Jonathan W. Feldman on February 17, 2010, plaintiff was advised that he had two weeks to decide if he intended to proceed on the remaining claim. Magistrate Judge Feldman entered a Decision and Order (Dkt. #80) directing plaintiff to respond to that issue by March 5, 2010. By letter dated February 28, 2010, which was filed on March 9, 2010 (Dkt. #81), plaintiff summarized the affect of the Court's prior decision and confirmed that he did not wish to pursue the sole remaining claim.

Therefore, the complaint and the only remaining claim is dismissed, with prejudice, pursuant to FED. R. CIV. P. 41.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 19, 2010.